



PUBLIC SCHOOL OPEN ENROLLMENT INFORMATIONAL BULLETIN

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July 2000

Tuition Waivers Under sec. 121.84, Wis. Stats. 1999 Wisconsin Act 117

I. Description of 1999 Wisconsin Act 117

1999 Wisconsin Act 117, signed by the Governor on May 8, 2000, makes significant changes to provisions of the statutes that allow students to continue to attend school in a school district even after the student moves out of the district. Act 117 does the following:

Changes current law that provides that a school district must permit a student who is a resident of and enrolled in a school district as of July 1 to be permitted to attend the entire school year in the school district.

- Instead, Act 117 requires that a school district must permit the student to complete the school year in the school the student was attending if the student was a resident of the district on either the 3rd Friday in September or the 2nd Friday in January of the current school year and the student was enrolled in the district for at least 20 school days in the current school year.
- In addition, Act 117 provides that a school district may permit a student who does not meet the above criteria to complete the school year in the school the student was attending if the student was a resident of and enrolled in the district as of July 1.
- As under current law, the school district of attendance continues to count the student in membership for state aid and revenue limit purposes for the remainder of the school year.

Creates a new provision that requires a school district to permit a student to attend a school district an additional school year after a move, if all of the following criteria apply:

- The student was a resident of the school district on the 2nd Friday in January.
- The student moved out of the district after the 1st Monday in February.
- The student was enrolled in the school district continuously from the 2nd Friday in January to the end of the school year.
- The student continues to be a resident of Wisconsin.

This new category of tuition waiver (giving students an additional year in the district) is not open enrollment but it is funded as if it were open enrollment. Other provisions of open enrollment relating to transportation, undue financial burden, and non-availability of special education due to a newly-created or revised IEP also apply.

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The student must apply for open enrollment during the next February application period. Failure to do so will require the student to attend school in the resident school district.

II. Implementation of 1999 Wisconsin Act 117

Note: When referring to resident and nonresident school districts, the resident school district is the “new” resident district to which the student recently moved; the nonresident district was previously the resident district.

Act 117 first applies to students who wish to attend school in a school district outside their district of residence in the 2000-2001 school year.

Because of the expansion of the tuition waivers and the way they will be funded, it will be necessary to formalize the processes of requesting the waivers and notifying other school districts and the DPI of the waivers.

A parent who is moving or has recently moved out of a school district and wishes the student to continue to attend that district should contact that school district shortly before the move or as soon as possible after the move to fill out a form (see attached) requesting the waiver. The school district should then determine whether the student is eligible for a waiver for:

- The remainder of the current school year:
 - The student was a resident and enrolled on either the 3rd Friday in September or the 2nd Friday in January of the current school year, and
 - The student was enrolled in the district for at least 20 days during the current school year.
- Or
- If the student does not meet the above criteria, the school district may permit the student to complete the school year if the student was a resident and enrolled in the school district on July 1 of the current school year.
- The following school year:
 - The student was a resident and enrolled in the district on the 2nd Friday in January.
 - The student moved out of the school district after the 1st Monday in February.
 - The student was enrolled continuously in the school district from the 2nd Friday in January to the end of the school year.
 - The student continues to be a resident of Wisconsin.

If it is determined that the student is eligible for a tuition waiver to complete the current school year, the nonresident district should send a copy of the form to the resident district (it is not necessary to send the form to the DPI if the waiver is only for the current school year).

- The school district of attendance (the “new” nonresident school district) continues to count the student in membership for state aid and revenue limit purposes.
- The school district of attendance is not responsible for any transportation outside the boundaries of the school district of attendance.
- If the student receives special education, the resident school district and the nonresident school district must work together to ensure that the student is transported from home to school.

If it is determined that the student is eligible for a tuition waiver for the following school year, the nonresident district must send a copy of the form to the resident district and to the DPI (see below for information about students who need special education).

- The resident school district counts the student for state aid and revenue limit purposes. The student must register in the resident school district to provide an auditable record for the district to claim the student. Both school districts should inform the parent of the obligation to notify the districts of any changes in address or status.
- For regular education students, the DPI will reduce the resident school district's state aid and increase the nonresident school district's state aid by the open enrollment transfer amount (see below for information about students who receive special education).
- The parent is responsible for transportation. Either the resident or nonresident district may provide transportation, except the nonresident district may not pick up or drop off the student within the boundaries of the student's resident school district. Low-income parents (eligible for free or reduced price meals) may apply to the DPI for reimbursement of transportation expenses. (See below for information about students who need special education.)
- If either school district becomes aware that the parent has changed her or his mind and that the student will attend the resident school district (or a private school or a home-based program, or if the family moves again), that district must notify the other district and the DPI as soon as possible.
- *If the student receives special education:*
 - The nonresident school district must send to the resident district a copy of the student's IEP and an estimate of the cost to provide the special education and related services required by the IEP.
 - The resident district may deny the transfer if the district determines that the cost of providing the special education and related services required by the IEP is an undue financial burden (appealable to the DPI within 30 days after receiving the notice to return). However, the resident district is probably eligible for a transfer of service revenue limit exemption due to the transfer of responsibility for the student's special education. Information about transfer of service revenue limit exemptions is available on the internet at www.dpi.state.wi.us/dpi/dfm/sfms/transerv.html, or by calling Debra Towns, School Finance Consultant, at 608-267-9707.
 - The IEP team for the student must include a representative of the student's resident school district.
 - The parent is responsible for transportation in the same manner as for regular education students, except, if the IEP requires transportation, the nonresident school district must provide the transportation (the cost of which may be included in the tuition or other amount paid by the resident district).
 - If a student, after beginning attendance in a nonresident school district under the tuition waiver, is newly-identified as needing special education or if the student's IEP is revised, the student may be required to "return" to the resident school district if:
 - The non-resident school district does not offer the special education or related services required in the newly-created or revised IEP (appealable to the DPI within 30 days after receiving the notice to return);
 - The nonresident school district does not have space in the special education or related services required in the newly-created or revised IEP (appealable to the DPI within 30 days after receiving the notice to return);or
 - The cost of providing the special education and related services in the newly-created or revised IEP imposes an undue financial burden on the resident school district (appealable to the DPI within 30 days after receiving the notice to return).

It is essential for the parent to notify the nonresident school district of any other changes in address or if the parent decides not to have the student continue to attend the school district.

III. Tuition Waivers and Open Enrollment

For families who are moving out of a school district and wish their children to continue school in the district, it will no longer be necessary to apply for open enrollment prior to the move. They must, however, apply for open enrollment during the first application period that occurs after the move:

- If the family moved out of the school district prior to the first Monday in February, they must apply for open enrollment for the following school year during the February application period. They are eligible for a tuition waiver *only* for the remainder of the current school year.
- If the family moved out of the school district after the first Monday in February, they may request a tuition waiver for the remainder of the current school year *and* for the following school year. They must then apply for open enrollment during the next February application period.

Applying for open enrollment in anticipation of a move should be discouraged except in cases where the family is moving to a different school district and wants to apply for open enrollment in a third school district. (For example, a family that currently lives in Madison and is planning to move to Green Bay and wants the children to attend Ashwaubenon should apply for open enrollment in anticipation of the move.)

IV. Some Questions and Answers

Q. Do these tuition waivers apply to students who recently moved from out of state or from another part of the state and wish to attend a school district other than one in which they reside?

A. No. All of these tuition waivers are intended only to permit students to *continue* to attend school in a district in which they previously resided and attended public school.

Q. Are these tuition waivers available for students who are entering kindergarten without having previously attended school in the nonresident district?

A. No. Again, all of these tuition waivers are intended only to permit students to *continue* to attend school in a district in which they previously resided and attended public school.

Q. Are these students guaranteed acceptance into open enrollment when they apply?

A. No. As continuing students, they are entitled to preference, but the preference is not a guarantee.

Q. If a student missed the open enrollment deadline and is not eligible for a tuition waiver, is there any way the student can attend school in a nonresident school district?

A. The only way such a student can attend school in a nonresident school district is through payment of tuition, provided the nonresident school district has space and provided the nonresident school district is willing to accept tuition students. 1999 Act 117 also amended the tuition statutes to provide that parents who pay tuition would be charged the same amount as a resident school district would be charged for open enrollment. That amount is estimated to be \$4,858 for the 2000-2001 school year.

Attachments:

- Statutory Language Changes to sec. 121.84, Wis. Stats.
- PI-9419-Request for Tuition Waiver
- Information Sheet for Parent